IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7763 OF 2005

Rajesh @ Rajkamal Agarwal .. Applicant
Versus
State of Maharashtra and Anr. .. Respondents

Mr.Nitin Satpute for applicant
Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 14th December 2005.

P.C.

. Heard Mr.Satpute appearing for applicant and Mr.Saste, A.P.P. Mr.Saste does not dispute that all accused other than the present applicant, concerned with the subject C.R.No.110 of 2004 registered with Manor police station have been enlarged on bail. He does not dispute that the present applicant is similarly situated.

2. Apart from this, in my view, considering the version of complainant placed on record, it does not appear prima facie that the complainant

has identified accused, including present applicant. As far as present applicant is concerned all that is alleged is that he was the brain behind the entire incident. In my view, this would not make the case of applicant any different than that of the said accused. Hence, following order:-

i) Applicant shall be enlarged on bail in connection with C.R.No.110 of 2004 registered with Manor Police Station in the sum of Rs.20,000/- with one local surety.

ii) Applicant shall furnish proof of his permanent residence in the State of Madhya Pradesh (Bhopal city). Upon verification of the same by I.O. applicant shall be entitled to be released.

iii) Applicant shall attend Manor Police station, Dist.Thane once in a month.

iv) Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)